

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ILLUMINA, INC., et al.,

Plaintiffs,

v.

BGI GENOMICS CO., LTD, et al.,

Defendants.

Case No. 19-cv-03770-WHO

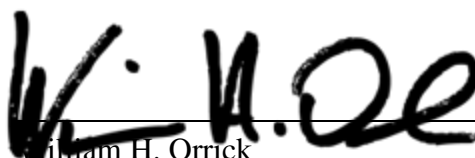
Case No. 20-cv-01465-WHO

**ORDER RE PROPOSED JUDGMENT**

Attached to this order is the Proposed Judgment. The parties may propose changes to the Proposed Judgment as they see fit. The parties shall either stipulate to the form of Judgment or submit competing proposals by Monday, April 4, 2022.

**IT IS SO ORDERED.**

Dated: March 28, 2022

  
William H. Orrick  
United States District Judge

**Proposed Judgment**

In light of the jury verdict delivered on November 30, 2021, the previously issued Orders, the parties' post-trial motions, and the entirety of the record, the final judgment is as follows:

**U.S. Patent No. 9,410,200 (the "'200 Patent")**

Defendants directly infringed claims 11 and 19 of the '200 Patent.

Claims 11 and 19 of the '200 Patent are not invalid as obvious or for failure to satisfy the written description or the enablement requirements.

Defendants did not contribute to the infringement of claims 11 and 19 of the '200 Patent.

Defendants induced the infringement of claims 11 and 19 of the '200 Patent.

Defendants willfully infringed claims 11 and 19 of the '200 Patent.

**U.S. Patent No. 7,566,537(the "'537 Patent")**

Defendants directly infringed claims 1, 4, and 6, of the '537 Patent.

Claims 1, 4, and 6, of the '537 Patent are not invalid as obvious or for failure to satisfy the written description or the enablement requirements.

Defendants did not contribute to the infringement of claims 1, 4, and 6, of the '537 Patent.

Defendants induced the infringement of claims 1, 4, and 6, of the '537 Patent.

Defendants willfully infringed claims 1, 4, and 6, of the '537 Patent.

**U.S. Patent No. 7,777,973 (the "'973 Patent")**

Defendants directly infringed claim 13 of the '973 Patent.

Claim 13 of the '973 Patent is not invalid as obvious or for failure to satisfy the written description or the enablement requirements.

Defendants induced and contributed to the infringement of claim 13 of the '973 Patent.

Defendants willfully infringed claim 13 of the '973 Patent.

**U.S. Patent No. 10,480,025 (the "'025 Patent")**

Defendants directly infringed claims 1, 9, 27, 31, 33, 34, 42, 47, and 50 of the '025 Patent.

Claims 1, 9, 27, 31, 33, 34, 42, 47, and 50 of the '025 Patent are not invalid as obvious or for failure to satisfy the written description or the enablement requirements.

Defendants did not induce or contribute to the infringement of claims 1, 9, 27, 31, 33, 34,

42, 47, and 50 of the '025 Patent.

Defendants willfully infringed claims 1, 9, 27, 31, 33, 34, 42, 47, and 50 of the '025 Patent.

**U.S. Patent No. 7,541,444 (the “'444 Patent”)**

Claim 3 of the '444 Patent is invalid as obvious.

Claim 3 of the '444 Patent is not invalid for failure to satisfy the written description or the enablement requirements.

Defendants induced and contributed to the infringement of claim 3 of the '444 Patent.

Defendants willfully infringed claim 3 of the '444 Patent.

**Permanent Injunction**

Defendants are prohibited from further infringement of the '537 Patent, the '200 Patent, the '973 Patent, and the '025 Patent (the “Asserted Patents”) until the expiration of the Asserted Patents.

Defendants and their officers, agents, affiliates, servants, employees, and attorneys, and all those persons acting or attempting to act in concert or participation with them, are enjoined until the expiration of the Asserted Patents from (1) importing into, or distributing in the United States (a) the sequencers and reagents that were found by the jury and adjudged to infringe the Adjudicated Claims of the Asserted Patents, or (b) any products that are not more than colorably different therefrom, or (2) using or encouraging the use of any of those products in the United States. The infringing sequencers and the infringing reagents, include but are not limited to those listed in the attached Appendix. In addition, Defendants and their officers, agents, affiliates, servants, employees, and attorneys, and all those persons acting or attempting to act in concert or participation with them, are enjoined until the expiration of the '025 Patent, from making, using, selling, or offering to sell within the United States, or importing into the United States modified 3'-azidomethyl nucleotides.

Defendants shall, within ten days from the date of issuance of this Permanent Injunction, provide notice and a copy of this Permanent Injunction to (1) each of the Defendants' officers, agents, affiliates, servants, employees, and attorneys; (2) all past and current users of the accused

1 sequencers and accused reagents, and/or any similar product that embodies the claims of the  
2 Asserted Patents, in the United States; and (3) any other person or entity acting in active concert or  
3 participation with any of the Defendants with respect to any of the activities enjoined here, such  
4 that above persons and entities are duly noticed and bound by this Order under Federal Rule of  
5 Civil Procedure 65(d)(2). Defendants shall further provide proof of each such notice to this Court  
6 by filing it in this action within fourteen days from the date of issuance of this Permanent  
7 Injunction.

8 **Damages**

9 Judgment is entered in favor of Illumina and against Defendants in the total amount of \$X  
10 (comprised of a one-time lump sum amount of \$8,000,000 for past damages from early 2014  
11 through June 2020, plus pre-judgment interest in the amount of \$X calculated at the prime rate,  
12 compounded annually.) Illumina is not entitled to enhanced damages or attorney fees.

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14 **IT IS SO ORDERED.**

15 Dated:

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18 \_\_\_\_\_  
William H. Orrick  
United States District Judge

**Appendix****Accused Sequencers**

MGISEQ-T7, MGISEQ-2000, MGISEQ-200, BGISEQ-500, BGISEQ-50, DNBSEQ-T7, DNBSEQG400, DNBSEQ-G50, and DNBSEQ-G400 FAST sequencers (all of which include the BGI sequencer instrument, the sequencer instrument software, and the sequencer instrument computer workstation), and the MGISP-960, MGISP-100, MGIFLP-SL200, and MGIFLP-L200 automated and modular systems, which contain sequencers.

**Accused Sequencing Reagents:**

MGIEasy RNA Exome Application, MGIEasy RNA Library Prep Set, MGIEasy Small RNA Library Prep Kit, MGIEasy RNA Directional Library Prep Set, MGIEasy rRNA Depletion Kit, MGIEasy FS PCR-Free DNA Library Prep Set, MGIEasy Exome FS Library Prep Set, MGIEasy Cell-Free DNA Library Prep Set, MGIEasy Exome Universal Library Prep Set, MGIEasy PCR-Free DNA Library Prep Set, MGICare BRCA1/2 Sequencing Library Preparation Kit, MGIEasy Universal DNA Library Prep Set, MGIEasy Exome Capture V5 Probe Set, MGIEasy FS DNA Library Prep Set, MGIEasy RAD Library Prep Kit, MGIEasy Exome Capture V4 Probe Set, MGIEasy stLFR Library Prep Kit, MGIEasy Whole Genome Bisulfite Sequencing Library Prep Kit, MGIEasy Circularization Kit, MGIEasy DNA Adapters-96 (Plate) Kit, MGIEasy DNA Clean Beads, MGICare Single Cell Chromosomal Copy Number Variation Detection Kit, MGICare Single Gene Genomic Disease Phasing and Chromosome Copy Number Variation Sequencing Library Prep Kit, MGICare Cell-Free DNA Chromosomal Aneuploidy and Single Cell Disease Sequencing Library Prep Set, DNBSEQ-G400RS High-throughput Sequencing Set (FCL SE50), DNBSEQ-G400RS High-throughput Sequencing Set (FCL SE100), DNBSEQ-G400RS High-throughput Sequencing Set (FCL SE400), DNBSEQ-G400RS High-throughput Sequencing Set (FCL PE100), DNBSEQ-G400RS High-throughput Sequencing Set (FCL PE150), DNBSEQG400RS High-throughput Sequencing Set (FCL PE200), DNBSEQ-G400RS High-throughput Sequencing Set (Small RNA FCL SE50), DNBSEQ-G400RS High-throughput Rapid Sequencing Set (FCS SE100), DNBSEQ-G400RS High-throughput Rapid Sequencing Set (FCS PE100), DNBSEQ-G400RS High-throughput Rapid Sequencing Set (FCS PE150), CoolMPS

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1 High-throughput Sequencing Set (DNBSEQ-G400RS FCL SE50), CoolMPS High-throughput  
2 Sequencing (DNBSEQ-G400RS FCL SE100), CoolMPS High-throughput Sequencing  
3 (DNBSEQ-G400RS FCL PE100), CoolMPS High-throughput Sequencing (DNBSEQ-G400RS  
4 Small RNA FCL SE50), and any additional reagents or reagent kits that contain nucleotides with a  
5 3'-O-azidomethyl blocking group.